IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5784 OF 2006.

Shri Sudam Jagannath Patil. ... Petitioner.

V/s.

The Divisional Commissioner,
Pune Division, Pune & ors. ... Respondents.

R.V.More for the petitioner.

Ms.V.S.Mhaispurkar, AGP for respondent Nos.1 & 2.

Pratap Patil for respondent Nos.3 to 12.

CORAM: V.C.DAGA, J.

DATED: 30th August 2006.

P.C.:

. Heard learned counsel for the petitioner rival parties.

. Perused petition.

2. Only two contentions are canvassed by the petitioner, firstly; no notice was served on him and; secondly, no opportunity of hearing was given to him in the meeting in which no-confidence motion was considered. No such contention appears to have been raised in the dispute before the Collector i.e. first authority. On the contrary, clear admission is to be found in the dispute filed before the Collector; wherein the

petitioner has stated that he came to know about the initiation of no-confidence motion on 16th January, 2006. How knowledge was acquired has not been disclosed. In absence of any other mode of acquiring knowledge, it has to be presumed that notice dated 16th January, 2006 was received by the petitioner.

3. So far as breach of principles of natural justice leading to absence of opportunity of hearing is concerned, no such contention was raised before the Collector at the earliest opportunity.

4. In the circumstances, these two contentions are nothing but after thought. The petition is, therefore, without any substance. The view taken in the impugned order is a reasonable and possible view. No interference with the same is called for.

5. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)